

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
Paul O'Hara,

Plaintiff,

11-3990 (TLM)

-against-

Michael McAvoy, Michael Malone,

Defendants
-----X

JURY VERDICT FORM

1. Do you find in favor of the plaintiff on his excessive force claim against defendant McAvoy?

☒ Yes

☐ No

Proceed to Question 2a.

- 2a. If you found in favor of plaintiff on his use of excessive force claim against defendant McAvoy, do you find in favor of the plaintiff on his failure to intervene claim against defendant Malone for failure to prevent defendant McAvoy's use of excessive force?

☐ Yes

☒ No

If you answered "No" to Question 2a, proceed to Question 3. If you answered "Yes" to Question 2a, answer Question 2b and then proceed to Question 3.

- 2b. What amount of compensatory damages do you award to plaintiff under his failure to intervene claim against defendant Malone?

\$ _____

3. Do you find in favor of the plaintiff on his assault claim against defendant McAvoy?

☐ Yes

☒ No

Proceed to Question 4.

4. Do you find in favor of the plaintiff on his battery claim against defendant McAvoy?

☒ Yes ☐ No

If you answered "Yes" to Questions 1, 3, or 4, answer Question 5 and then proceed to Question 6a. If you answered "No" to Questions 1, 3, and 4, skip Question 5 and proceed to Question 6a.

5. What amount of compensatory damages do you award to plaintiff under his excessive force, assault, and/or battery claims?

\$ 50,000

6a. Do you find in favor of plaintiff on his false arrest claim against defendant McAvoy?

☐ Yes ☒ No

If you answered "No" to Question 6a, stop; you have reached a verdict. Please have the foreperson date and sign the verdict sheet and tell the Court Security Officer you have reached a verdict. If you answered "Yes" to Question 6a, answer Question 6b.

6b. What amount of compensatory damages do you award to plaintiff under his false arrest claim against defendant McAvoy?

\$ ~~50,000~~

Please have the foreperson date and sign the verdict sheet and tell the Court Security Officer you have reached a verdict.

Timothy P. O'Leary
FOREPERSON

June 28, 2013
Brooklyn, NY

#6

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

Paul O'Hara,

Plaintiff,

11-3990 (TLM)

-against-

Michael McAvoy, Michael Malone,

Defendants

-----X

JURY VERDICT FORM

1. You answered \$50,000 to Question 5 on the previous verdict form. Please state the amount of damages you awarded to plaintiff for each of his claims for excessive force and for battery. The total must equal \$50,000.

Excessive Force	\$ 10,000
Battery	\$ 40,000

Total	\$50,000
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Please have the foreperson date and sign the verdict sheet and tell the Court Security Officer you have reached a verdict.

Timothy P. O'Leary
FOREPERSON

June 28, 2013
Brooklyn, NY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

Paul O'Hara,

Plaintiff,

11-3990 (TLM)

-against-

Michael McAvoy, Michael Malone,

Defendants

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JURY VERDICT FORM

1. Do you find by a preponderance of the evidence that plaintiff chest-bumped defendant McAvoy?

___ Yes

☒ No

Please proceed to Question 2.

2. Do you find by a preponderance of the evidence that plaintiff approached defendant McAvoy at a fast pace with clenched fists and came face-to-face with him at a very close distance?

___ Yes

☒ No

Please proceed to Question 3.

3. Do you find by a preponderance of the evidence that plaintiff was struggling with defendant McAvoy when defendant McAvoy punched plaintiff?

☒ Yes

___ No

Please have the foreperson date and sign the verdict sheet and tell the Court Security Officer you have reached a verdict.

Timothy P. O'Leary
FOREPERSON

June 28 2013
Brooklyn, NY

#10

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
Paul O'Hara,

Plaintiff,

11-3990 (TLM)

-against-

Michael McAvoy, Michael Malone,

Defendants
-----X

JURY VERDICT FORM - PUNITIVE DAMAGES

1. Do you find that plaintiff proved, by a preponderance of the evidence, that defendant McAvoy acted maliciously or wantonly in using excessive force or committing battery against plaintiff?

_____ Yes

☒ No

If you answered "Yes" to Question 1, answer Question 2. If you answered "No" to Question 1, stop; you have reached a verdict. Please have the foreperson date and sign the verdict sheet and tell the Court Security Officer you have reached a verdict.

2. Please state the amount of punitive damages that defendant McAvoy should be liable for on plaintiff's excessive force and/or battery claims.

\$ _____

Please have the foreperson date and sign the verdict sheet and tell the Court Security Officer you have reached a verdict.

Timothy P. O'Leary
FOREPERSON

June 28, 2013
Brooklyn, NY